

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

DAVID E. GREENE,	:	
Plaintiff,	:	Case No. 3:07CV34
vs.	:	District Judge Thomas M. Rose
		Magistrate Judge Sharon L. Ovington
XENIA POLICE DEPARTMENT, <i>et al.</i> ,	:	
Defendants.	:	

ENTRY AND ORDER

The Court has reviewed *de novo* the Report and Recommendations (Doc. #4) of United States Magistrate Judge Sharon L. Ovington, to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby adopts said Reports and Recommendations.

Accordingly, it is **ORDERED** that:

1. The Report and Recommendations filed on February 2, 2007 (Doc. #4) is **ADOPTED** in full;
2. For the reasons stated in the Report and Recommendations, Plaintiff's claims against the Defendant Xenia Police Division are **DISMISSED**.
3. Plaintiff's Complaint is not dismissed to the extent it raises a Fourth Amendment excessive-force claim against Defendant Marc Margioras.
4. The United States Clerk of Court serve a copy of each document of record and a summons upon the named defendant Marc Margioras as directed by Plaintiff. All costs of service shall be advanced by the United States.

5. Plaintiff must serve the defendant – or his attorney in the event the attorney's appearance is entered in the record – with a copy of every document filed in this case for consideration by the Court. Plaintiff shall include with the original paper to be filed with the Clerk of Court a certificate stating the date and a true and correct copy of any document mailed to defendant or his attorney. Any paper received by a District Judge or Magistrate Judge that has not been filed with the Clerk of Court or that fails to include a certificate of service will be disregarded by the Court.
6. Plaintiff must inform the Clerk of Court promptly of any changes of address which he has during the pendency of this lawsuit. Failure to do so may result in dismissal of his case for failure to prosecute.

February 22, 2007

s/THOMAS M. ROSE

Thomas M. Rose
United States District Judge